

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| ALBERT NASSER and KIDS      | § |                                 |
| INTERNATIONAL               | § |                                 |
| CORPORATION,                | § | No. 419, 2008                   |
|                             | § |                                 |
| Defendants and Third Party  | § |                                 |
| Plaintiffs, Appellants,     | § | Court Below – Court of Chancery |
|                             | § | of the State of Delaware        |
| v.                          | § | C.A. No. 1353                   |
|                             | § |                                 |
| GILA DWECK, SUCCESS         | § |                                 |
| APPAREL LLC, PREMIUM        | § |                                 |
| BRANDS LLC, KEVIN TAXIN and | § |                                 |
| BRUCE FINE,                 | § |                                 |
|                             | § |                                 |
| Plaintiffs and Third Party  | § |                                 |
| Defendants, Appellees.      | § |                                 |

Submitted: February 17, 2009

Decided: February 17, 2009

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

**ORDER**

This 17th day of February 2009, the Court having considered the Appellees' Motion to Withdraw Opposition to Appeal, the Appellants' response and the Appellees' reply, it is HEREBY ORDERED that the Appellees' Motion is GRANTED.

IT IS FURTHER ORDERED that:

1) the Appellees' opposition to Appellants' Appeal is hereby deemed withdrawn;

2) the “final Order and Judgment” (dated July 28, 2008) of the Court of Chancery enforcing the settlement is hereby vacated;

3) this case is remanded to the Court of Chancery for resolution of the claims in the complaint and the counterclaims; and

4) the Appellants’ request for attorneys’ fees is denied.

BY THE COURT:

/s/ Randy J. Holland  
Justice